

From: Macklin, Jay (USAEO)
Sent: Wednesday, May 30, 2018 4:36 PM
To: Stuart, Mike (USAWVS) <MStuart2@usa.doi.gov>; Glassman, Benjamin (USAOHS) <BGlassman@usa.doi.gov>; Johnston, Lisa (USAWVS) <LJohnston@usa.doi.gov>; Patel, Vipal (USAOHS) <VPatel@usa.doi.gov>; Parker, Kenneth (USAOHS) <KParker1@usa.doi.gov>
Cc: Schools, Scott (ODAG) (JMD) <Scott.Schools@usdoj.gov>
Subject: AMENDED FORMAL NOTICE: Office-Wide Recusal of Southern District of West Virginia (REC-18-3327)

MEMORANDUM FOR:

Michael B. Stuart
United States Attorney
Southern District of West Virginia

Lisa Johnston
First Assistant United States Attorney
Southern District of West Virginia

Benjamin Glassman
United States Attorney
Southern District of Ohio

Vipel J. Patel
First Assistant United States Attorney
Southern District of Ohio

THROUGH: Scott Schools
Associate Deputy Attorney General
Office of the Deputy Attorney General

FROM: Jay Macklin
General Counsel
Executive Office for United States Attorneys

RE: Office-Wide Recusal of the Southern District of West Virginia from
defending the 2255 Motion filed by Blankenship (GCO REC-18-3327)

THIS IS AMENDED FORMAL NOTICE that Scott Schools, Associate Deputy Attorney General (ADAG) has approved the recusal of the entire United States Attorney's Office for the Southern District of West Virginia from defending a Section 2255 motion filed by Donald Blankenship on April 18, 2018, and related matters. The ADAG authorized this recusal in accordance with United States Attorneys' Manual (USAM) 3-2.170 and United States Attorneys' Procedures (USAP) 3-2.170.001 based upon existing conflicts of interest or the appearance of conflicts of interest pertaining to the matter.

ADAG Schools has assigned this matter to the United States Attorney's Office for the Southern District of Ohio and, pursuant to 28 U.S.C. § 515(a), has directed and authorized United States Attorney Benjamin Glassman or his successor to conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before magistrate judges, which the United States Attorney for the Southern District of West Virginia is authorized by law to conduct regarding this matter. See USAP 3-2.170.001(6)(C)(2)(b)

Each office should communicate directly with the other concerning transfer of information related to this matter in accordance with the procedures outlined in USAP 3-2.170.001(6)(C)(2)(b)(3). The point of contact for the Southern District of West Virginia is FAUSA Lisa Johnston, who can be reached at (304) 345-2200, and the contact for the Southern District of Ohio is Criminal Chief Kenneth Parker, who can be reached at (513) 684-2869.

All Assistant United States Attorneys subsequently assigned to this matter must be appointed as Special Attorneys in order to appear on behalf of the government in the Southern District of West Virginia. See USAM 3-2.300 and USAP 3-2.170.001(6)(C)(2)(b). Please contact Nicole West, EOUSA Personnel Staff, Operations Division, at (202) 252-5325, to obtain the appointment.

In accordance with USAP 3-2.170.001(6)(C)(2)(b)(3), any Special Attorney assigned the matter or case should sign any pleadings or documents using the signature block of the Southern District of Ohio, with the addition of the Attorney General's name preceding that of the United States Attorney.

In the event that the Southern District of Ohio wants to use AUSAs from the Southern District of West Virginia to assist it in this matter, it must submit a request to General Counsel's Office, EOUSA, that includes (1) a detailed justification of the need for the use of an AUSA, and (2) a detailed statement of the role the AUSA would play. The ADAG retains the authority to approve / disapprove any such request.